

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JARVIS R. BURNS,)	
Plaintiff,)	
)	C.A. No. 22-335 Erie
v.)	
)	District Judge Susan Paradise Baxter
AMERIFINANCIAL SOLUTIONS, et al.,)	Chief Magistrate Judge Richard Lanzillo
Defendants.)	

MEMORANDUM ORDER

Plaintiff Jarvis R. Burns, Jr., an inmate incarcerated at the Federal Correctional Institution at McKean in Bradford, Pennsylvania (“FCI-McKean”), initiated this action in the Court of Common Pleas of Erie County, Pennsylvania, by filing a *pro se* complaint against Defendants Amerifinancial Solutions (“Amerifinancial”), Kay Jewelers, and Nationwide Recovery Systems (“Nationwide”). The action was subsequently removed to this Court pursuant to a Notice of Removal dated November 2, 2022. [ECF No. 1]. This matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Defendants Kay Jewelers and Nationwide were previously dismissed from this case [ECF Nos. 14, 27], leaving Amerifinancial as the only remaining Defendant. On July 3, 2024, Defendant Amerifinancial filed a motion for summary judgment [ECF No. 24], and according to this Court’s Case Management Order [ECF No. 15], Plaintiff’s response to said motion was due to be filed by August 2, 2024. After Plaintiff failed to file a response, Chief Magistrate Judge

Lanzillo issued a show cause order directing Plaintiff to explain his failure to respond to Defendants' motion as required, or to simply file a response, by September 13, 2024 [ECF No. 28]. The show cause order further stated that Plaintiff's failure to comply with the order would be construed as indicating Plaintiff's decision to not continue prosecution of this case.

As a result of Plaintiff's failure to comply with his show cause order, Judge Lanzillo issued a Report and Recommendation ("R&R") on November 12, 2024, recommending dismissal of this case for Plaintiff's failure to prosecute [ECF No. 29]. Objections to the R&R were due from Plaintiff by November 29, 2024; however, Plaintiff has failed to file any objections to date.

After de novo review of the documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th day of December, 2024;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute, and Defendant Amerifinancial's motion for summary judgment [ECF No. 24] is DISMISSED as moot. The report and recommendation of Chief Magistrate Judge Lanzillo, issued November 12, 2024 [ECF No. 29] is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge

All parties of record